

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/771,537	SAITO ET AL.
	Examiner Thinh T Nguyen	Art Unit 2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/23/2004.
2.  The allowed claim(s) is/are 22-65.
3.  The drawings filed on 05 February 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All      b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. 09/912,321.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

  
 David Nelms  
 Supervisory Patent Examiner  
 Technology Center 2800

## **DETAILED ACTION**

### **Reason for allowance**

1. Claims 22-65 are allowed. The following is an examiner's statement of reason for allowance:

A/ Applicants' filing of The Terminal Disclaimer has overcome the double patenting rejection of claim 22- 65.

**B/ I/ Group I: Claims 22-33.**

Claims 22-33 are allowed because the prior fails to teach the limitations:

-- “ a first magnetic film covering a back surface and side surfaces of the first wiring, the back surface being opposite to a front surface of the first wiring that faces the magnetoresistance effect film, wherein each portion of the first magnetic film that covers the side surface of the first wiring extends across a plane including the front surface with an insulating film interposed between the magnetic recording layer and the portion of the first magnetic film covering the side surface of the first wiring. “--

and all other limitations as recited in claim 22.

**II/ Group II: Claims 34-41.**

Claims 34-41 are allowed because the prior fails to teach the limitations:

-- “ a first magnetic film covering a back surface and side surfaces of the first

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wiring, the back surface being opposite to a front surface of the first wiring that faces the magnetoresistance effect film, wherein the magnetic recording layer is wider in the width direction than the first wiring, and each portion of the first magnetic film that covers the side surface of the first wiring is in contact with a surface of the first nonmagnetic layer on the side of the first magnetization pinned layer. “--  
and all other limitations as recited in claim 34.

**III/ Group III: Claims 44-53.**

Claims 44-53 are allowed because the prior fails to teach the limitations:  
--“a first magnetic film covering a back surface and side surfaces of the first wiring, the back surface being opposite to a front surface of the first wiring that faces the magnetoresistance effect film, wherein the magnetic recording layer is wider in the width direction than the first wiring, an oxide layer is formed on a portion of a surface of the magnetic recording layer that faces the front surface, the portion is not covered with the first magnetization pinned layer, and each portion of the first magnetic film that covers the side surface of the first wiring is in contact with the magnetic recording layer via the oxide layer. “--

and all other limitations as recited in claim 44.

**IV/ Group IV: Claims 54-65.**

Claims 54-65 are allowed because the prior fails to teach the limitations:  
-- “ a first magnetic film covering a back surface and side surfaces of the first wiring, the back surface being opposite to a front surface of the first wiring that faces

the magnetoresistance effect film, wherein each portion of the first magnetic film that covers the side surface of the first wiring extends across a plane including the front surface with an insulating film interposed between the magnetic recording layer and the portion of the first magnetic film covering the side surface of the first wiring. “--

and all other limitations as recited in claim 54.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on Monday-Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached at 571-272-1787. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703) 308-0956.

Thinh T Nguyen 

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800

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